



Crl.R.C.No. 1103 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C.No.1103 of 2025

Jothiraman

... Petitioner

Vs

1. The Deputy Commissioner of Police,
Mylapore, Chennai

2. The Inspector of Police,
D5 Police Station,
Marina, Chennai

... Respondents

PRAYER: Criminal Revision Case is filed under Section 438 r/w 442 of BNSS Act, to set aside the Order dated 12.12.2023 made in Crl.M.P.No.116 of 2021 on the file of the learned Metropolitan magistrate No.II, Egmore, Chennai and allow this Revision petition.

For Petitioner : Mr. Shanmugarajeswaran

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)



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ORDER

This revision has been preferred as against the order passed in Crl.M.P.No.116 of 2021 on the file of the 2nd Metropolitan Magistrate, Chennai, dated 12.12.2023 thereby dismissing the petition seeking direction under Section 156 (3) of Cr.P.C.,

2. Heard the learned counsel on either side and perused the documents placed on record.

3. The petitioner owned a land and intended to sell the same in favour of one Dinesh Surana, however, the said deal did not work out. Subsequently, the petitioner sold the property to M/s Manju foundation. Subsequently, Dinesh Surana fabricated a power of attorney, as if the same was executed by the petitioner by forging the petitioner's signature and filed a suit in O.S.No.272 of 2021 on the file of learned 4th Additional Judge, Sub Court, Dindivanam. Hence the complaint.

4. Originally the said complaint was lodged before the 2nd respondent and it was enquired and closed as civil in nature, therefore, the petitioner was



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constrained to file a private complaint and sought a direction under Section 156(3) CR.P.C., Further, it was once again dismissed by the learned Magistrate on the ground that the allegations are civil in nature. On perusal of the records, it is seen that Dinesh Surana had subsequently, no title over the property and according to the petitioner, the said Dinesh Surana had forged his signature and fabricated the power of attorney, therefore, there is a prima facie material to register the FIR on the complaint lodged by the complainant and the order passed by the trial court cannot be sustained and same is liable to be set aside.

5. In view of the above, the 2nd respondent is directed to register the FIR on the complaint lodged by the petitioner and proceed with the complaint. Accordingly, the present Revision Petition is allowed and the order passed in Crl.M.P.No.116 of 2021 dated 12.12.2023 by the learned Metropolitan Magistrate No.II, Egmore, Chennai is set aside.

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Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order

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G.K.ILANTHIRAIYAN, J.

ssd

To

1. The II Metropolitan Magistrate, Egmore,
Chennai
2. The Public Prosecutor,
Madras High Court,
Chennai.

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